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REMARKS

Claims 1-20 were presented for examination in the present application and remain pending upon entry of the instant amendment. Claims 1, 13, and 18 are independent.

Applicant wishes to thank the Examiner for the close attention to detail in examining the present application. Applicant has amended the specification so as to correct the obvious clerical errors noted by the Office Action. Applicant respectfully submits that these amendments to the specification obviate the objections to the drawings.

Specifically, the specification has been amended to refer, in all instances, to the "graphical thermostat and sensor" with reference character 10. The specification has been amended to refer to the "historical data" with reference character 95 to better conform the specification to Figure 3. Finally, the specification has been amended to remove reference character 25 to better conform the specification to Figure 3.

Applicant respectfully traverses the objection that asserts that reference character "85" is not included in the figures. Specifically, Applicant submits that reference character "85" is present in Figure 3 within the database 80.

Accordingly, reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Claims 9, 10, and 17 were rejected under 35 U.S.C. §112, second paragraph.

Applicant respectfully traverses these rejections.

Claim 9 introduces the rejected element by reciting "a device located remote from the at least one display". Claim 10, which depends from claim 9, properly refers back to

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the device introduced in claim 9. Similarly, claim 16 introduces the rejected element by reciting "a device located remote from the at least one display". Claim 17, which depends from claim 16, properly refers back to the device introduced in claim 16.

Accordingly, reconsideration and withdrawal of the rejections to claims 9, 10, and 17 are respectfully requested.

Claims 13-17 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office Action asserts that claim 13 fails to produce a concrete result.

Applicant respectfully traverses this rejection.

Claim 13 recites that the computer readable program code means is "for presenting on at least one display, a range of temperatures on a first axis, and a range of times on a second axis". Further, claim 13 recites that the computer readable program code means is "for illustrating on the at least one display at least one shaded area".

Applicant respectfully submits that the claimed computer program product clearly produces concrete results, namely the presenting of certain information of the display and the illustrating on the display of the shaded area.

Accordingly, reconsideration and withdrawal of the rejections to claims 13-17 are respectfully requested.

Claims 2 and 14 have been amended to correct obvious errors. It is submitted that these amendment merely make explicit what had been implicit in the claims.

Independent claims 1, 13, and 18, as well as claims 2-3 and 11-12 that depend therefrom, respectively, were rejected under 35 U.S.C. §102 over U.S. Patent No.

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6,595,430 to Shah (Shah). Dependent claims 4 and 5 were rejected under 35 U.S.C. §103 over Shah in view of U.S. Publication No. 2004/0001106 to Deutscher et al. (Deutscher). Dependent claims 6 and 7 were rejected under 35 U.S.C. §103 over Shah and Deutscher in further view of U.S. Patent No. 6,502,758 to Cottrell (Cottrell). Dependent claim 8 was rejected under 35 U.S.C. §103 over Shah. Dependent claims 8-10 and 19-20 were rejected under 35 U.S.C. §103 over Shah in view of U.S. Patent No. 5,203,497 to Ratz et al. (Ratz).

Independent claim 1 has been clarified to recite the step of "illustrating on the at least one display at least one shaded area, said at least one shaded area defining a preset temperature range centered about a temperature set by a user (emphasis added)". Support for this amendment can be found at least at paragraph [0031] of the specification.

Applicant respectfully submits that Shah alone or in combination with Deutscher, Cottrell, and/or Ratz, fails to disclose or suggest the shaded area defining a preset temperature range of amended claim 1.

Rather, Shah merely discloses illustrating the temperature schedule 215 as a line on the graph as best seen in Figure 2. Deutscher is directed to multimedia presentation production system and not to a temperature controller and, thus, clearly fails to disclose or suggest the claimed shaded area. Further, Cottrell and Ratz each fail to disclose or suggest graphical representations of temperature control.

In addition, claim 1 has been amended to include the step of "configuring a magnitude of the preset temperature range so that the at least one shaded area shows a greater range in plus or minus degrees from the temperature set by the user (emphasis added)". Support for this amendment can be found at least at paragraph [0032] of the specification.

As discussed above, the cited art fails to disclose or suggest the claimed shaded

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area defining a preset temperature range. Therefore, Applicant respectfully submits that the cited art fails to disclose or suggest configuring the magnitude of this preset temperature range as now recited by claim 1.

Accordingly, independent claim 1, as well as claims 2-12 that depend therefrom, are not disclosed or suggested by the cited art. Reconsideration and withdrawal of the rejections to claims 1-12 are respectfully requested.

Independent claim 13, much like claim 1 discussed above, has been clarified to recite that the at least one shaded area defines "a preset temperature range centered about a temperature set by a user (emphasis added)". Further, claim 13 has been amended to recite "computer readable program code means for configuring a magnitude of the preset temperature range so that the at least one shaded area shows a greater range in plus or minus degrees from the temperature set by the user (emphasis added)".

Again, Applicant respectfully submits that Shah merely discloses graphically illustrating the temperature schedule 215 as a line on the graph as best seen in Figure 2. Deutscher is directed to multimedia presentation production system and not to a temperature controller and, thus, clearly fails to disclose or suggest the claimed shaded area. Further, Cottrell and Ratz each fail to disclose or suggest graphical representations of temperature control. Thus, the cited art fails to disclose or suggest the claimed shaded area, as well as the computer readable program code means for configuring a magnitude of the preset temperature range, now recited by claim 13.

Accordingly, independent claim 13, as well as claims 14-17 that depend therefrom, are not disclosed or suggested by the cited art. Reconsideration and withdrawal of the rejections to claims 13-17 are respectfully requested.

Similarly, independent claim 18 has been clarified to recite that the at least one shaded area defines "a preset temperature range centered about a temperature set by

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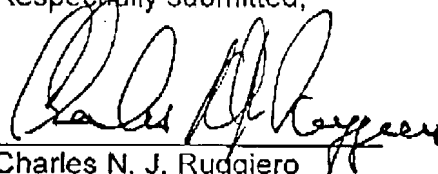
a user" and to include that the graphical thermostat module is "operable to configure a magnitude of the preset temperature range so that the at least one shaded area shows a greater range in plus or minus degrees from the temperature set by the user (emphasis added)".

Again, Applicant respectfully submits that the cited art fails to disclose or suggest the claimed shaded area or the graphical thermostat module that is "operable to configure a magnitude of the preset temperature range" now recited by claim 18. Accordingly, independent claim 18, as well as claims 19 and 20 that depend therefrom, are not disclosed or suggested by the cited art. Reconsideration and withdrawal of the rejections to claims 18-20 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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May 7, 2007